

**FISHER ISLAND MUNICIPAL ADVISORY COMMITTEE
COMMITTEE MEETING**

UNAPPROVED MINUTES FOR
WEDNESDAY, NOVEMBER 9, 2005

FISHER ISLAND TENNIS CENTER

1. Call to Order

With MAC Chair, Ira Ostrow presiding, the November 9, 2005 Fisher Island MAC meeting was called to order at 6:15 PM.

2. Role Call

Present were the following:

Ira Ostrow
Robert Vole
Jorge Garcia
Michael Pearce
Javier Acosta
Carolyn Sakolsky

3. Introduction

As several Fisher Island residents were present at this meeting Mr. Ostrow chose to modify the scheduled agenda in an effort to inform residents as to the purpose of the MAC and what has been accomplished thus far.

Mr. Ostrow went on to explain how the MAC was created and what the MAC's responsibilities are. He introduced Jason Rodriguez to those present.

Mr. Ostrow asked residents present if anyone wish to speak during the meeting. Bernard Manler raised his hand and was acknowledged.

Mr. Ostrow reviewed the Rules of Decorum with all present.

Mr. Ostrow gives Mr. Manler the floor.

Mr. Manler thanked the members of the MAC for their efforts. Mr. Manler quotes from minutes of previous meetings where the issue of maintaining the privacy of Fisher Island is stressed. He then reads a statement by the County Attorney that states that a city cannot be private and that access has to be granted to the public. Mr. Manler expressed his concern that there is no true guarantee that privacy will be maintained. He asks that the MAC not go through with incorporation.

Mr. Ostrow thanks Mr. Manler.

Mr. Ostrow turns the floor over to Mr. Mattli.

Mr. Mattli voices his concern that losing the privacy of the island will mean a decline in property values and that an influx of people on the island would not be good for the property or for residents.

Mr. Ostrow asks if anyone else wishes to be heard. Mr. Burton asks that the committee answer the issues brought up by Manler and Mattli.

Mr. Ostrow begins by addressing Mr. Mattli's concerns. Mr. Ostrow states that as a MAC they have felt all along that incorporation would be good for Fisher Island. However, Ostrow stresses that as a MAC they would not recommend the Island to incorporate if there is just the slightest possibility that privacy would be lost.

Mr. Ostrow agrees with Mr. Manler statement that everyone is on the same side, because everyone agrees that the single most important issue is protecting the privacy of the Island.

Mr. Ostrow explained that the county attorney does not have a full working knowledge of the Island. He reminds everyone that their buildings and homes are not public, and that there are parts of the Island that the county knows are private. This is the reason why the department of budgets every year refuses to honor any request that the community counsel makes for funding of any kind of work on the Island because (this is public record) the head of the department of budget stood in front of the counsel and said they could not give Fisher Island any money because it is a private Island. Mr. Ostrow reiterates that the matter of privacy must be absolutely clarified because it is the single most important ingredient in the incorporation process.

Mr. Ostrow believes residents have lost their privacy now and incorporation might help gain it back. Currently there are contractor trucks all over the Island or when you are on the ferry you see pick ups and trucks or people who should not be on the ferry. He feels a town council system of self governance may help recapture the privacy that has been lost.

Mr. Ostrow assures that the MAC will work diligently to clarify the issue and that if guaranteed privacy cannot prevail, the MAC will not recommend incorporation. He reminds everyone that at the January 6, 2005 meeting the 245 residents in attendance were asked if they wished the MAC to continue researching the matter and the majority response was yes.

Mr. Ostrow opens the floor to committee members.

Ms. Sokolsky comments that no one wants Fisher Island to be public. However, it is her understanding that the following facts are in place: The beaches are public. State of Florida says that Fisher Island cannot stop people from coming to the beaches. There are dedicated roads that belong to Miami Dade County. Most of the roads are private but there are a couple that are not. Part of Fisher Island was already incorporated into Miami Beach, it's already incorporated and nobody is running over to do whatever. These are facts.

Ms. Sokolsky explains that the MAC is still looking into what has to be done if incorporation goes through to keep the privately owned on the Island private. Her understanding is that what is privately owned is private whether it is in Miami Beach or the City of Miami, or in Hialeah, wherever it is. There is a requirement to have a public place within the boundaries of the area that incorporates. She explains that the MAC has looked at annexing the terminal island that is owned by Fisher Island Holdings, and the Island would then owe a piece of property that would be in Miami Beach and that can be annexed so that it would become the public meeting place. If that is not acceptable to the county then the MAC will continue to look into it. Everyone gets to vote on this. She explains the MAC just comes up with the ideas and present them to the county.

Michael Pearce voices his opinion that the study being done by the MAC will be beneficial to the Island whether the Island incorporates or not. He explains that people are under the impression now that the Island is totally private when in reality 25 feet of it is not. Will this change when incorporation happens? He doesn't know. People could start showing up on the beach now anyway. He will continue to formulate an opinion as the study of the MAC moves forward. He reassures everyone that he will continue to press the issue of incorporation.

Mr. Garcia addresses Mr. Mattli's comments by saying that currently there are building in existence as well as in the building process that belong to Miami Beach, yet you don't see 5000 people coming to the Island at any given time because those properties are private and there is no access to private property. The only people coming to the island are those looking to buy property or are invited.

Mr. Acosta voices his opinion that it is important for residents to be informed on what is available to residents. Mr. Acosta invites people to go to fisherislandvillage.org and view the clips from the commission meetings. This perhaps can serve as an incentive to residents to at least want to know if there is something better for the Island. Mr. Acosta feels the commission does not take Fisher Island seriously although it is a community that donates \$30 million a year

to the county.

Mr. Vole comments that incorporation does come with other benefits for the island and he feels that it is worth the effort to continue researching the possibility of incorporation.

Mr. Ostrow turns the floor to Bob Pinkert.

Mr. Pinkert asks if there is a specific court that handles these matters, because it can be taken to court and get the privacy issue in writing.

Mr. Ostrow responds that there is nothing in this world that is iron clad. However, the matter can be taken before a court, but again even with a court opinion or ruling who is to say that some new ruling will come along at another time and change things. Nothing is iron clad.

Mr. Pinkert says right now there are just a lot of opinions but he would feel better if there was something that guaranteed privacy if incorporation goes through.

Mr. Ostrow feels this meeting has turned out to be a good opportunity for residents to voice their opinions and comments and suggests leaving MAC business for the next meeting.

Mr. Ostrow turns the floor to Ira Kaufman.

Mr. Kaufman informs that he believes the public beach area is only 3 feet from shore. He voices his concern about whether certain people on the island know that they can't vote for incorporation.

Mr. Ostrow expresses that as a MAC they are committed to only recommend incorporation if there is a general consensus on the Island to do so, because you can't use the very narrow registered votes to shove anything down the throat of the larger public at the island that does not vote. He informs that this MAC is for everyone not just for voters. When there is consensus they will carry it to the next step. The voters will be the mechanism by which incorporation happens or not.

Deborah Flacks voices her opinion that some people may think incorporation is good, but they don't actually know about the privacy issue.

Mr. Ostrow responds that the Fisher Island Incorporation Committee began the effort that eventually created the MAC. The incorporation committee has written letters to the community and in several of those letters has provided factual

information regarding the privacy issue and its importance. All meetings are published in the Miami Herald and posted at the post office so that everyone who wishes to attend the meetings can do so. At the meetings the issue of privacy continuously arises. There are minutes posted on the website.

Mr. Manler comments that the main issue is the privacy issue. He agrees with Mr. Pinkert that there has to be something in writing. He states that the MAC needs to have something that satisfies them that privacy will be guaranteed. He feels there should be an opinion from the Supreme Court of Florida that is binding. He feels that's is what the MAC should concentrate on.

Mr. Ostrow agrees and states that the MAC will continue to procure a court opinion on the issue of privacy.

Further comment is made regarding incorporation. <inaudible>

Mr. Ostrow informs that at this time the opinion of the Commission on incorporation is not a good. On the other hand, all of Broward is incorporated. Mr. Ostrow expresses that there is a great possibility that when the governing body of Miami Dade changes that they might want to incorporate all of Miami Dade, and if Fisher Island is not incorporated at that time, they may not have a choice.

Carolyn Sakolsky informs that that was the attitude about 15 years ago when Miami became home rule. It could happen again. She knows that the City of Miami spoke to the previous developer about making Fisher Island part of Miami.

Mr. Acosta expresses his opinion it is better to be self governed that to be annexed to another city. Mr. Acosta also feels that as far as the issue of people who are not registered voters is concerned, those people don't get to vote in county related elections either so it should therefore not be an issue that they can't vote for incorporation of Fisher Island.

Mr. Ostrow calls for a resolution to make a concentrated effort on determining how to get a judicial opinion on the issue of privacy.

Ms. Sakolsky informs that perhaps this can be done through the attorney general. She doesn't know how to go about it, but would have to research it.

<someone provides information, tape inaudible>

Mr. Ostrow suggests starting with the county attorney and inform him, before approaching state attorney general.

Speaker suggests before doing that to make settle how the question will be phrased to ensure correct response by county and state.

Ms. Sakolsky offers a suggestion for wording and further discussion ensues.

Mr. Ostrow restates that the MAC has research to do and will do what it needs to do to find the way to achieve the right resolve. Ultimately if privacy cannot be ensured the MAC will not recommend incorporation.

<<Further comment by the public - inaudible>>

Mr. Ostrow turns the floor over to a visitor who has not yet been heard <inaudible>.

Mr. Ostrow responds by saying that Fisher Island is a very unique community, and the MAC will do everything in its power to do what needs to be done before incorporation is recommended.

Mr. Garcia suggests that audience members visit the website and become aware as to what has been going on. He informs that even if the MAC recommends incorporation the final decision is in the hands of the commission.

Mr. Ostrow announces that the public portion of the meeting is now over.

4. Next Meeting of the Fisher Island MAC

The MAC decides another meeting date will be set to discuss the business that was set aside at this meeting. After discussing availability among members the next meeting of the MAC is scheduled for **Wednesday, November 30, 2006, 6PM.**

5. Adjournment: Motion was made for adjournment and seconded and the meeting was adjourned.